

JEROME COUNTY COMMISSIONERS

Wednesday, April 15, 2020

PRESENT: Charles Howell, Chairman
Ben Crouch, Vice Chairman
John Crozier, Commissioner
Jane White, Deputy Clerk

Meeting convened at 9 A.M.

BUSINESS AND/OR ADMINISTRATIVE MATTERS

Present were Assessor Rick Haberman, Consulting Appraiser with the State Tax Commission Robert Rios, Sheriff George Oppedyk, Juvenile Probation Administrator Mario Umana, Treasurer Tevian Ekren-Kober, Chief Deputy Clerk Tracee McKim, Attorney Mike Seib, and Payroll Clerk Charry Cushman.

Sheriff George Oppedyk presented an agreement to allow the Public Health District to share protected health information with the sheriff's department in order to minimize the threat of imminent exposure to COVID-19.

❖ A Motion was made by Commissioner Howell to sign the sharing of information agreement with the sheriff's office and the South Central Health District. It was seconded and carried with unanimous ayes.

Tracee McKim offered a resolution adopting an emergency COVID-19 policy.

❖ A Motion was made by Commissioner Crozier to sign Resolution No. 2020-19 concerning COVID-19 matters. It was seconded and carried with unanimous ayes.

RESOLUTION NO. 2020-19

WHEREAS the President of the United States, the Governor of the State of Idaho, and the Jerome County Board of Commissioners have declared an emergency related to the threat of COVID-19; and

WHEREAS the United States Congress has enacted the Families First Coronavirus Response Act; and

WHEREAS the Director of the Idaho Department of Health and Welfare has ordered Idahoans to self-isolate in his March 25, 2020, Order to Self-Isolate; and

WHEREAS the Jerome County Board of Commissioners desires to schedule the time of County employees in a way that maximizes community safety and complies with applicable mandates;

NOW, THEREFORE, be it resolved by the Board of Commissioners of Jerome County that the "Emergency COVID-19 Policy (Effective 4-1-20)" attached hereto is hereby adopted.

DATED this 15th day of April 2020.

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ATTEST:

BOARD OF COMMISSIONERS

/s/ Michelle Emerson
Michelle Emerson, Clerk

/s/ Charles M. Howell
Charles M. Howell, Chairman

(S E A L)

/s/ A. Ben Crouch
A. Ben Crouch, Commissioner

/s/ John Crozier
John Crozier, Commissioner

Emergency COVID-19 Policy (Effective 4-1-20)

Introduction:

This Emergency COVID-19 Policy ("Policy") will be in effect beginning April 1, 2020. It incorporates the Families First Coronavirus Response Act ("FFCRA"). When this Policy goes into effect, previous versions of the Policy will no longer be in effect. The portions of the Policy that come from FFCRA will remain in effect until December 31, 2020. Those include numbers 1, 2, 3, 4, 8, 9, and the section about FMLA expansion. If any sections of the Policy are in conflict with the FFCRA, the FFCRA controls. The other portions of the Policy are in effect until further notice. Employees who have received paid COVID-19 leave under previous versions of the Policy are eligible for an additional period of paid time off as described herein. The Policy is subject to change based on the constantly evolving situation as well as Federal and State declarations, guidelines, and mandates.

All Employees are directed to speak with their Department Head or Elected Official to discuss leave for the following conditions. The County reserves the right to request supporting documentation at any time for any leave. If leave is approved by the Elected Official, employees may take leave for the following categories.

Categories of Leave:

- (1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19. Employees should select "Sick Leave – COVID Quarantine" on their time sheets.
- (2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19. Employees should select "Sick Leave-COVID Quarantine" on their time sheets.
- (3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis. Employees should select "Sick Leave–COVID Quarantine" on their time sheets.
- (4) The employee is caring for an individual who is subject to an order as described in Subparagraph (1) or has been advised as described in Paragraph (2). Employees should select "Sick Leave – COVID Care" on their time sheets. If employees would like to use accruals to get a full paycheck (see Page 4 "Pay for Sick Leave–COVID Care for more information), they should enter "use accruals" in the notes on their timesheets, and payroll will calculate the accruals needed for full pay.
- (5) Sick, non-COVID-19 symptomatic employees may be asked or required to go or stay home. Employees should select "Admin Leave" on their time sheets and enter

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"COVID-19" in the notes.

- (6) Alternative work schedules: Employees may be asked to work reduced or alternative work schedules or work from home at the discretion of the Elected Official, to be re-evaluated on an ongoing basis. Employees should indicate actual hours worked and, for hours not worked, enter the hours, select "Admin Leave," and enter "COVID-19" in the notes.
- (7) Full or partial department shutdowns: In the event a department or a division is partially or entirely shutdown, at the discretion of the Elected Official, employees will be paid regular pay for hours normally scheduled to work. Such a shutdown will be re-evaluated on an ongoing basis. Employees should indicate actual hours worked and, for hours not worked, enter the hours, select "Admin Leave," and enter "COVID-19" in the notes.
- (8) The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the childcare provider of such son or daughter is unavailable, due to COVID-19 precautions. Employees should select "Sick Leave—COVID Care" on their time sheets. If an employee would like to use accruals to get a full paycheck (see Page 4 "Pay for Sick Leave—COVID Care for more information"), he should enter "use accruals" in the notes on his timesheet, and payroll will calculate the accruals needed for full pay.
- (9) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasurer and the Secretary of Labor. Employees should select "Sick Leave—COVID Care" on their time sheets. If employees would like to use accruals to get a full paycheck (see Page 4 "Pay for Sick Leave – COVID Care for more information"), they should enter "use accruals" in the notes on their timesheets, and payroll will calculate the accruals needed for full pay.

FMLA Expansion:

In addition to the Family Medical Leave Act ("FMLA") protections described in the Jerome County Employee & Supervisor Manual, FMLA has been expanded from April 1, 2020, until December 31, 2020 as follows:

Employees who have been employed with the County for at least 30 calendar days may take 10 days of unpaid leave and an additional period of paid leave for a total of up to 12 weeks of Family and Medical Leave Act leave if they are unable to work (or telework) due to a need for leave to care for a son or daughter under the age of 18 because the child's school or child care provider is unavailable due to a public health emergency. Employees should indicate actual hours worked and "FMLA—COVID" on their time sheets. If employees would like to use accruals to get a full paycheck (see Page 4 "Pay for Expanded FMLA" for more information), they should enter "use accruals" in the notes on their timesheets, and payroll will calculate the accruals needed for full pay.

Further Guidance for Categories of Leave and FMLA (in alphabetical order):

Childcare Provider: A "childcare provider" is anyone who receives compensation for providing childcare services on a regular basis; it does not need to be a formal "day care." "School" means an elementary or secondary school.

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Emergency Responders: These employees are not eligible for expanded medical leave and/or leave under Category 1, 8, 9, and Expanded FMLA. These employees are eligible for Category 4 leave on a case-by-case basis as determined by the elected official. "Emergency responder" is defined as an employee whose services are needed to limit the spread of COVID-19. These include law enforcement officers, correctional institution personnel, emergency medical services personnel, public health personnel, emergency management personnel, 911 operators, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency, as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility.

Equivalent Hours: "Equivalent hours" for a part-time employee means that the employee is entitled to leave for his or her average number of work hours in a two-week period. This is calculated based on the number of hours the employee is normally scheduled to work. If the schedule varies, a six-month average may be used. If the employee has not been employed for six months, the number of hours the employer and employee agreed he or she would work upon hiring will be used.

FMLA and Expanded FMLA Time Limits: FMLA of all types is limited to 12 weeks in any 12-month period. If an employee, for example, has taken 3 weeks under FMLA to recover from surgery, he or she will be eligible for only 9 weeks of Expanded FMLA leave to care for a son or daughter within the same 12-month period.

Health Care Providers: These employees are not eligible for expanded medical leave and/or leave under Category 1, 8, 9, and Expanded FMLA. These employees are eligible for Category 4 leave on a case-by-case basis as determined by the elected official(s). The definition of "health care provider" includes clinical psychologists, clinical social workers, and anyone employed at a clinic, home health care provider, or facility that performs laboratory or medical testing.

Interaction of Sick Leave and Expanded FMLA: An employee may be eligible both for FMLA and COVID sick leave under Categories 1, 2, 3, 4, 8, and/or 9. The initial two weeks of FMLA may also be paid COVID sick leave, unless the employee elects to use existing PTO under the Jerome County Employee & Supervisor Manual. The remaining 10 weeks will be paid at 2/3 pay. The employee may elect to use existing vacation, personal, or sick leave under the Jerome County Employee & Supervisor Manual to make up the remaining 1/3 pay.

Maximum Hours: The County will pay a maximum of up to 80 hours per full-time employee (or 85.5 hours for sworn law enforcement employees with regular two-week shifts of 85.5 hours) or equivalent hours for part-time employees for any combination of the above reasons 1, 2, 3, 4, 8, and/or 9. If an employee has been paid for any hours under category 1, 2, 3, 4, 8, and/or 9, that number of hours shall be subtracted from the 80 (or equivalent) hours available under Category 5.

Pay for Administrative Leave COVID (Categories 5, 6, and 7): Pay for Category 5: Leave is paid for up to 80 hours for full-time employees (or 85.5 hours for sworn law enforcement employees with regular two-week shifts of 85.5 hours) or the equivalent hours for part-time employees. Pay for Categories 6 and 7: Employees will be paid regular pay for actual hours worked and/or hours normally

scheduled to work.

Pay for Expanded FMLA: The total amount of pay under this provision is capped at \$10,000 per employee. The rate of pay is 2/3 of the employee's regular rate of pay. The employee may elect to use existing PTO or ESLC (in that order) under the Jerome County Employee & Supervisor Manual to make up the remaining 1/3 pay.

Pay for Sick Leave—COVID Care (Categories 4, 8, and 9): Paid leave is for up to 80 hours (or 85.5 hours for sworn law enforcement employees with regular two-week shifts of 85.5 hours) or equivalent hours for part-time employees. Pay will be at 2/3 of the employee's regular rate and is capped at \$2,000 total for reasons 4, 8, and 9. The employee may elect to use existing PTO or ESLC (in that order) under the Jerome County Employee & Supervisor Manual to make up the remaining 1/3 pay.

Pay for Sick Leave – COVID Quarantine (Categories 1, 2, and 3): Paid leave for up to 80 hours (or 85.5 hours for sworn law enforcement employees with regular two-week shifts of 85.5 hours) or equivalent hours for part-time employees. Pay is capped at \$5,110 in the aggregate for categories of leave 1 through 3.

Seasonal Employees are excluded from paid COVID-19 leave under Categories 5, 6, and 7. They will be paid for actual hours worked for those categories.

Son/Daughter: "Son or daughter" is the employee's own child, which includes biological, adopted, or foster children, as well as a stepchild, legal ward, or a child for whom an employee is standing in loco parentis who is either under 18 years of age, or is 18 years of age or older and "incapable of self-care because of a mental or physical disability" at the time the leave is to commence.

Status Sheets: The Board requests that Elected Officials fill out status sheets to document when employees go on leave or return to a normal work schedule for numbers 1, 2, 3, 4, 5, 8, or 9 or for FMLA.

Events at Fairgrounds: All events at the Jerome County Fairgrounds are cancelled through April 30, 2020.

Travel and Hygiene: All discretionary County business travel remains suspended until further notice.

Employees are strongly discouraged from traveling out of state during this emergency until further notice.

Employees are encouraged to follow the recommendations of the South-Central Public Health District. Those recommendations include limiting all non-essential travel to or from Blaine County, avoiding gatherings of more than 10 people, washing hands often, practicing social distancing (keeping 6 or more feet between people), and staying home when sick.

If an employee does not follow an Order related to COVID-19 including, but not limited to, the March 25, 2020, Order to Self-Isolate signed by Dave Jeppesen, Director of the Idaho Department of Health and Welfare, the employee's supervisor may require the employee to stay away from work for two weeks from the date of the violation. Unless the employee chooses to use vacation, sick, or personal time to

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cover the time off, the time away from work shall be unpaid.

Dated this 15th day of April 2020.

ATTEST:

BOARD OF COMMISSIONERS

/s/ Michelle Emerson
Michelle Emerson, Clerk

/s/ Charles M. Howell
Charles M. Howell, Chairman

(S E A L)

/s/ A. Ben Crouch
A. Ben Crouch, Commissioner

/s/ John Crozier
John Crozier, Commissioner

TELEPHONE CALL FROM GOVERNOR BRAD LITTLE

Present were Assessor Rick Haberman, Consulting Appraiser with the State Tax Commission Robert Rios, Sheriff George Oppedyk, Juvenile Probation Administrator Mario Umana, Treasurer Tevian Ekren-Kober, Chief Deputy Clerk Tracee McKim, Attorney Mike Seib, and Payroll Clerk Charry Cushman.

Seth Grigg, executive director of the Idaho Association of Counties, opened the telephone conference from the Governor's office with county commissioners statewide. He said the Governor could not be present and deferred to Bobbi-Jo Meuleman, director of intergovernmental affairs.

Bobbi-Jo Meuleman gave some details of the shutdown order by Governor Little that had gone into effect on March 25. She said non-essential businesses could operate curbside or with pick-up orders. She added that anyone entering Idaho from another state would be subject to a 14-day quarantine order, with exceptions for such things as employment or doctor's appointments.

Meuleman said the Governor would be issuing an order that day detailing four stages of reopening the State, beginning on May 1.

Grigg stated the stay-home order was extended through April 30, with some modifications. He asked that commissioners forward to the Governor or his staff ideas to jump start businesses.

The call from the Governor's office was terminated.

DECISIONS REGARDING THE CORONAVIRUS PANDEMIC

Michelle Emerson said the clerk's office would open by appointment only beginning April 22 and that marriage certificates and passport applications would be processed only for Jerome County residents.

Rick Haberman verified with the Commissioners that an employee would need to use benefit time off if not sent home under administrative leave guidelines adopted by the County.

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Tracee McKim said she would send an e-mail to employees explaining administrative leave pay under COVID-19 guidelines.

Mike Seib raised questions about authorizing alternate work schedules due to COVID-19.

Commissioner Howell asked that employees treat those returning to work kindly.

CONTINUANCE OF PLANNING AND ZONING COMMISSION MEETINGS

The Commissioners authorized a public hearing by the Planning and Zoning Commission on May 18.

Meeting adjourned at 11:05 A.M.

Respectively submitted:

Jane White, Deputy Clerk

Charles M. Howell, Chairman

A. Ben Crouch, Vice Chairman

John Crozier, Commissioner